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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,404

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Thomas David Gurley

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10/01/2008

Joseph J. Laks

Thomson Licensing LLC

2 Independence Way, Patent Operations

PO Box 5312

PRINCETON, NJ 08543

EXAMINER

ANDRAMUNO, FRANKLIN S

ART UNIT

PAPER NUMBER

2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,404	Applicant(s) GURLEY ET AL.	
	Examiner FRANKLIN S. ANDRAMUNO	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/14/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/14/08 have been fully considered but they are not persuasive. Applicant argues on page 7 paragraph 4, "Mason fails to disclose a single user input button for receiving user inputs to control said emergency alert function."

Examiner agrees that Mason does not teach this feature. However, Naidoo discloses on column 18 lines 34-39 the use of a button patient interface device. It must be noticed that the use of a single button in the invention is an extremely well known feature.

Naidoo shows the button interface is used as a acknowledgement message used to trigger a response. Moreover, column 8 lines 5-7, Naidoo discloses the use of a button as an emergency response or notification device.

2. The applicant argues on page 8 that Ganzer doesn't disclose the same feature argued on Mason. Naidoo is again used to reject this. Moreover, the applicant argues on page 9 paragraph 1, Naidoo fails to shows the use of a single user input button for receiving tactile user inputs to control said emergency function. Applicant argues in page 9 paragraph 3 that Naidoo does not disclose an emergency alert function.

Examiner does not agree. Figure 2 discloses an emergency response device (54) is used to trigger an alert from the patient interface device (52).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2623

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manson et al (US 6,543,051 B1) in view of Ganzer et al (US 5,121,430) in view of Naidoo et al (US 7,185,282 B1). Hereinafter referred as Manson, Ganzer, and Naidoo.

Regarding claims 1, 8 and 15, Mason discloses an apparatus, method and television signal receiver having an emergency alert function (**Receive Emergency Alert message (402) in figure 4**), processing means for enabling an alert output responsive to said emergency alert signals (**Application Server (203) in figure 3**). **However, Mason fails to disclose** tuning means for tuning a channel frequency that provides emergency alert signals indicating an emergency event. Ganzer teaches in (**column 2 lines 35-38**) of a tuner. **Also, Mason fails to disclose the use of** a single user input button for receiving tactile user inputs to control said emergency alert function, wherein said single user input button is the only tactile user input means integral with said apparatus that is capable of controlling said emergency alert function. Naidoo discloses the use of a button as a human interface of a emergency response unit (**Column 18 lines 34-37**).

Therefore, it would have been obvious at the time of the invention to include the use of a tuner. This is a useful combination because the emergency unit can be used with a television system. Also, the use of a button as a human interface is useful for responses to false alarms.

Regarding claims 2, 9 and 16, Naidoo discloses an apparatus, method and television signal receiver, wherein said single user input button includes: a plurality of different states **(column 27 lines 35-42)**; and said apparatus performs one or more different operations responsive to each of said states based on user programming **(42-48)**.

Regarding claims 3, 10 and 17, Ganzer discloses an apparatus, method and television signal receiver, further comprising illuminating means for illuminating said single user input button based on a severity level of said emergency event **(column 9 lines 46-51)**.

Regarding claims 4, 11 and 18, Ganzer discloses an apparatus, method and television signal receiver, wherein said illuminating means illuminates said single user input button using: a first color if said severity level represents a first level **(red LED might indicate warning condition (column 9 lines 47-48))**; a second color if said severity level represents a second level **(Stead yellow LED might indicate watch condition (column 9 lines 49-50))**; and a third color if said severity level represents a third level **(Green LED indicates all clear (column 9 lines 50-51))**.

Regarding claims 5, 12 and 19, Ganzer discloses an apparatus, method and television signal receiver, wherein said first, second and third colors are each combined with a fourth color **(The use of a fourth color can be adapted just like the sound of the ring tones for the emergencies. Changing a color or adding a color is a matter**

of changing an LED (column 9 lines 52-55. This is considered non-functional descriptive material and can not be used to define over prior art).

Regarding claims 6, 13 and 20, Ganzer discloses an apparatus, method and television signal receiver, wherein said illuminating means illuminates said single user input button using only said fourth color when said emergency alert function is not activated **(Green LED indicates all clear (column 9 lines 50-51)).**

Regarding claims 7, 14 and 21, Ganzer discloses an apparatus, method and television signal receiver, wherein said illuminating means illuminates said single user input button using: two colors if said severity level represents a first level; three colors if said severity level represents a second level; and four colors if said severity level represents a third level **(Using different degrees of emergencies is included in a logic circuitry to spell out the alert type (column 9 lines 55-58)).**

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2623

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623